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**Date:** December 1, 2003

**To:** Examiner Shin Lin Chen  
United States Patent and Trademark Office  
Art Unit1632

**Facsimile No:** 1-703-872-9306

**From:** Kristina Bieker-Brady, Ph.D.  
Reg. No: 39,109

**Re:** H. Robert Horvitz et al.  
09/993,420  
November 6, 2001  
IDENTIFICATION AND CHARACTERIZATION OF A  
GENE WHICH PROTECTS CELLS FROM PROGRAMMED  
CELL DEATH AND USES THEREFOR

**Pages:** 4, Including Fax Cover Sheet

**Message:** Attachment:

Terminal Disclaimer

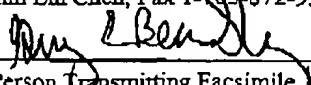
3 Pages

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PATENT  
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I hereby certify under 37 C.F.R. 1.8(a) that this correspondence is being facsimile transmitted to the Patent and Trademark Office on the date indicated above. ATTN: Examiner Shin Lin Chen, Fax 1-800-872-9306	
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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: H. Robert Horvitz et al. Art Unit: 1632  
Serial No.: 09/993,420 Examiner: Shin Lin Chen  
Filed: November 6, 2001 Customer No.: 21559  
Title: IDENTIFICATION AND CHARACTERIZATION OF A GENE  
WHICH PROTECTS CELLS FROM PROGRAMMED CELL DEATH  
AND USES THEREFOR

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Pursuant to 37 C.F.R. § 1.321(b), the Massachusetts Institute of Technology, the assignee of the entire right, title, and interest in the above-captioned application, seeks to disclaim the terminal portion of the term of the patent to be granted on the application. This terminal disclaimer is binding on the grantee and its successors or assigns.

Pursuant to 37 C.F.R. § 1.321(b)(1), this terminal disclaimer is signed by an attorney of record.

Pursuant to 37 C.F.R. § 1.321(b)(2), the Massachusetts Institute of Technology hereby waives and disclaims the terminal portion of the term of the entire patent to be

granted upon the application subsequent to the expiration date of U.S. Patent No. 6,312,947. The Massachusetts Institute of Technology does not disclaim any terminal part of any patent granted on the application prior to the expiration date of the full statutory term of U.S. Patent No. 6,312,947 in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, or is otherwise terminated prior to expiration of its statutory term, except for the separation of legal title as stated above.

Pursuant to 37 C.F.R. § 1.321(b)(3) and § 3.73(b), the undersigned attorney of record certifies that the Massachusetts Institute of Technology, a university, is the assignee of the entire right, title, and interest in the application by virtue of an assignment from the inventors of the application. The assignment was recorded in the Patent and Trademark Office at Reel/Frame 014122/0033 on November 13, 2003.

The undersigned attorney/agent of record has reviewed all the documents in the chain of title of the application and to the best of the undersigned's knowledge and belief, title is in the name of the Massachusetts Institute of Technology.

Pursuant to 37 C.F.R. § 1.321(b)(4), please charge \$110.00 for the fee set forth in 37 C.F.R. § 1.20(d) to Deposit Account Number 03-2095.

Further, pursuant to 37 C.F.R. § 1.321(c)(3), this terminal disclaimer is being filed to overcome a double patenting rejection in the application. Any patent granted on the

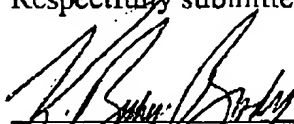
application or any resulting patent subject to reexamination proceedings shall be enforceable only for and during such period that the patent is commonly owned with the application or patent that formed the basis for the rejection.

If there are any additional charges or any credits, please apply them to Deposit Account Number 03-2095.

Respectfully submitted,

Date:

December 1, 2003



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